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ABSTRACT

This report provides a review of U.S. regulatory standards for day care programs and facilities and makes recommendations for the revision of day care regulations in Pennsylvania. Following a brief discussion of federal interagency requirements, a number of short descriptive analyses compare individual state standards in the areas of licensing, physical environment, staff/child ratios, admission policies, and program and services. A short separate section deals with family day care homes and special group infant and night care programs. On the basis of this review, 17 specific recommendations are provided for the formation of new day care standards in Pennsylvania. (CS)

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# A REVIEW OF FEDERAL AND STATE REGULATIONS FOR DAY CARE PROGRAMS AND FACILITIES

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April, 1972

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# FOREWORD

This report is one of a series of background papers dealing with various aspects of day care in the Commonwealth of Pennsylvania and the nation. The intent is to provide information in a format useful for those responsible for the formulation of policy in the area of day care and to provide a ready reference for others interested in the development of day care services.

The authors of this report have attempted to provide a picture of day care regulations throughout the country by focusing upon similarities and differences. In their diversity as well as their commonalities all regulations probably reflect our society's intent to assure the safety and well-being of children in day care. Variations in regulations may well represent what was known about child care and development at the time regulations were formulated. They may reflect various regional and professional points of view. They especially represent the knowledge and viewpoints of the particular individuals who set forth the regulations. Regulations are products of human judgment and the state of existing information. Some, if not all, have great potential impact on the quality of day care offered our children. The examination of state regulations throughout the country only underscores the great need for research into all facets of day care programs to help determine the kinds of regulations which actually serve to create an environment which fosters the physical, social and cognitive development of the day care child to the fullest extent.

The report may be used in conjunction with a supplement, which includes copies of all state regulations governing day care facilities across the country. Because of the expense involved in the duplication of the extensive regulations of the fifty states, only a very limited number of copies of the supplement is available.

# A Review of Federal and State Regulations for Day Care Programs and Facilities

Rosemary Hollick

with

Donald L. Peters & Elizabeth P. Kirchner

## INTRODUCTION

In recent years day care[1] has become an area of increasing interest to the American public. From its limited beginnings of offering services only to the poorest of families, day care has developed into a nation-wide phenomenon which provides services to a broad spectrum of society. The recent interest in day care services may be attributed to a number of social changes, particularly to the increased number of working mothers, to the women's liberation movement, and to the general concern about the cycle of poverty. Research findings which indicate the prominent role of early experiences in the later development of the child have reinforced the social trend toward developing day care services.

The intent of this report is to provide an overall review which highlights the similarities and differences in the regulatory standards established for day care programs and facilities throughout the United States and to make recommendations for the revision of the regulatory standards of the Commonwealth of Pennsylvania.

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[1]Definition for Day Care: For the purposes of this report, day care is defined as supplemental care provided for the child away from his home for periods of five hours or more per day by someone other than the mother. Day Care provides an alternative to foster home placement or institutional placement to families which for some reason are unable to care for their children for the entire 24-hour day. It may include extended day programs for school age children during, before, and after school hours or during vacations.

Presently, all fifty states, the District of Columbia, and the federal government have regulations governing day care programs and facilities.[2] Each agency has attempted to establish minimal standards for facilities and services to protect the health, safety, and well-being of the children involved. Minimal standards invariably represent compromises between desirability and practicality. On one hand is the importance of specifying the range and quality of desirable services, while on the other there is a need to keep regulations reasonable and enforceable. Each regulatory agency faces the continuing problem of encouraging the maximum availability of services while controlling quality. The dilemma of these conflicting goals is not easily resolved.

Some understanding of the resolutions may be attained through the simultaneous analysis of all existent regulations. This effort has been undertaken by the Pennsylvania Day Care Study Project, and descriptive and tabular summaries are provided. The summary material included serves as a background for the formulation of new comprehensive regulations for the governance of Commonwealth day care. Specific recommendations on several major issues are provided in the concluding section of the report.

## FEDERAL INTERAGENCY REQUIREMENTS

### Area of Governance

In an attempt to establish a uniform code of regulations pertaining to day care, the federal government in 1967 passed the Economic Opportunity Amendment, which sets forth regulations applying to all day care

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[2] See the supplement to this report for the individual regulations of each state.

facilities receiving federal funds. The Federal Interagency Day Care Requirements divide day care into three categories depending on the facilities, location and size.

Family Day Care Home. The "family day care home," located in a family dwelling, is the smallest facility to be licensed. It serves a maximum of six children between the ages of 6 and 14 years of age, with the maximum number to be reduced when very young, handicapped, or retarded children are in care.

Group Day Care Home. An extended or modified family dwelling in which no more than twelve children are provided care is termed a "group day care home."

Day Care Center. A "day care center" is a facility serving groups of twelve or more children, none of whom should be less than three years old.

Federal standards have not yet been set for the care of children under three years of age. If a state authority has not established standards for the care of children below the age of three, that state may not provide care for such children.

The Physical Environment

Federal regulations require that all child care facilities be "safe and sanitary" and that they provide adequate space for play, rest, and the isolation of children who become ill. Minimum space requirements are set.

Staff

Equal opportunity for all persons seeking employment is required. Written policies governing staffing must be established, and these policies

must provide for the effective use of nonprofessionals. The interagency requirements set forth specific regulations guiding staff/child ratios. The staff/child requirements are summarized in Table 1.

Staff members must be given adequate orientation and be provided with an ongoing program of inservice training and supervision. They must have initial and periodical health examinations.

Program and Services

Services required include:

1. Medical and dental examination upon admission and at intervals thereafter.
2. Supervision of the environment and health of the children by a physician.
3. Educational opportunities to be offered to each child under the supervision of staff.
4. Adequate meal service.
5. Related social services.

Parent Involvement

The parents of the children enrolled in day care programs must be given an opportunity to become involved. Their involvement should include the power to make decisions concerning the operations of the facilities.

## STATE REGULATIONS FOR DAY CARE CENTERS

Licensing

Presently all fifty states and the District of Columbia license day care centers. Although each state establishes its own standards, federal legislation requires that individual state standards are never to be lower

Table 1

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Federal Interagency Day Care Standards

for

Staff/Child Ratio by Program Type

| Program Type | Child Age Range (yrs) | Maximum Total of Children | Staff/Child Ratio | Maximum Sub group Size |
|---|---|---|---|---|
| Family Day Care Home | 0-6 | 5 | 1:5 | --- |
| | 3-14 | 6 | 1:6 | --- |
| Group Day Care Home | 3-5 | 12 | 1:5 | --- |
| | 6-14 | 12 | 1:6 | --- |
| Day Care Center | 3-4 | --- | 1:5 | 15 |
| | 4-6 | --- | 1:7 | 20 |
| | 6-14 | --- | 1:10 | 25 |

than those set forth in the Federal Interagency Day Care Requirements. Review of the regulations of the fifty states suggests, however, that this is not always true.

Throughout the states differences in standards as to what facilities shall require licensing are common. For example, the licensing of day care facilities in the state of Mississippi is not mandatory. In Florida licensing regulations apply only to counties within the state which have a population of 267,000 or more, and Nevada's regulations apply only to its two largest counties. New Jersey's standards apply only to private centers enrolling more than five children. (To such facilities a certificate of "Approval" is issued which must be renewed every three years.)

Unique exceptions to existing regulations may be found. New York, for example, states in its regulations that if complying literally with a specific regulation poses undue hardship on the center and poses no hazard to the health, safety, and welfare of the children, that center will be licensed anyway. Several states make exceptions to mandatory licensing depending upon the auspices of the facility. Some states exclude day care facilities running under religious auspices. Connecticut excludes facilities operated by recreational organizations. New Jersey exempts facilities that are privately endowed.

Licensing Duration. Regular licenses are issued for either one or two years with the sole exception of New Jersey where licenses are issued for three years. Twenty-five states make provisions for granting temporary licenses for programs initially unable to meet some of the required specifications. The duration of a temporary license varies from ninety days (Arizona) to three years (Michigan).

License Fees. Twelve states set fees for licensing day care centers. Such fees range from $1.00 in Colorado and Nebraska to $100.00 in Ohio for some programs. North Caroline's approach is different; in that state a yearly fee of $2.00 per child is made for each child included in the facility's license.

Penalties. Twenty-eight states now impose penalties for violating the provisions of a license or for operating without a license. Of these 28 states, 18 label such offenses as misdemeanors, and 23 impose monetary fines, imprisonment or both for violations. The most severe penalty ($500) is set by the regulations of Massachusetts, Maine, Maryland, and Vermont. Maryland goes a step further, requiring $500 for the first offense and not more than $1,000 for the second offense.

Table 2 lists the licensing authorities for each state, the date of the last revision of the licensing regulations, the nature and duration of the license, the requirement of fees, and the provision of penalties. Detailed specifications may be obtained from the individual licensing authorities.

The Physical Environment

Every set of state regulations places some type of requirements on the physical environment of day care. Indeed, such specifications constitute a major concern of many of the regulations. Requirements in this area, frequently associated with building standards and fire regulations, are designed to meet basic health and safety needs.

Location and Exclusive Use. The location of the facilities is restricted by a number of states. Frequently, the regulations prohibit the day care facility from being located on premises with another business,

Table 2 BEST COPY AVAILABLE

State Licensing and Regulatory Standards for Day Care Centers

| State | Licensing Agency | Duration of License(Yrs.) | Fees Charged | Temp. License Issued | Penalties Imposed for Violation | Yr. of Regulations |
|---|---|---|---|---|---|---|
| ALABAMA | P | 1 | No | No | Yes | 60 |
| ALASKA | W | - | No | No | Yes | 61 |
| ARIZONA | H | 1 | Yes | Yes | No | - |
| ARKANSAS | W | 1 | No | Yes | No | 70 |
| CALIFORNIA | W | - | No | No | Yes | 71 |
| COLORADO | W | 1 | Yes | Yes | Yes | 66 |
| CONNECTICUT | H | 2 | No | Yes | No | 70 |
| DELAWARE | H | 1 | No | No | Yes | 70 |
| FLORIDA | H | 1 | No | No | No | 70 |
| GEORGIA | C | 1 | No | Yes | Yes | 69 |
| HAWAII | S | - | No | No | Yes | 70 |
| IDAHO | W | 1 | No | Yes | No | 63 |
| ILLINOIS | C | 2 | No | No | No | 70 |
| INDIANA | W | 1 | No | Yes | Yes | 64 |
| IOWA | W | 1 | No | Yes | No | - |
| KANSAS | H | - | Yes | Yes | Yes | 70 |
| KENTUCKY | W | 1 | Yes | Yes | Yes | 67 |
| LOUISIANA | W | - | No | No | Yes | 65 |
| MAINE | H-W | 1 | No | No | Yes | 69 |
| MARYLAND | H | - | No | No | Yes | 71 |
| MASSACHUSETTS | H | 2 | Yes | No | Yes | 66 |
| MICHIGAN | H | 1 | No | Yes | Yes | - |
| MINNESOTA | W | - | No | No | Yes | - |
| MISSISSIPPI | W | - | No | No | No | - |
| MISSOURI | W | 1 | No | No | Yes | 71 |
| MONTANA | W | 1 | No | Yes | No | 68 |
| NEBRASKA | W | 1 | Yes | No | Yes | 67 |
| NEVADA | W | 1 | No | No | No | - |
| NEW HAMPSHIRE | W | - | No | No | No | 71 |
| NEW JERSEY | E | 3 | Yes | Yes | No | 71 |
| NEW MEXICO | H | 1 | No | No | No | 66 |
| NEW YORK | W | 1 | No | No | No | - |
| NORTH CAROLINA | S | 1 | Yes | No | Yes | 71 |
| NORTH DAKOTA | W | - | No | No | No | 71 |
| OHIO | W | - | Yes | Yes | Yes | 70 |
| OKLAHOMA | I | 1 | No | Yes | No | 71 |
| OREGON | W | - | Yes | No | No | - |
| PENNSYLVANIA | W | 1 | No | Yes | No | 67 |
| RHODE ISLAND | S | 1 | No | No | No | 70 |
| SOUTH CAROLINA | W | - | Yes | Yes | Yes | 67 |
| SOUTH DAKOTA | W | 1 | No | Yes | No | - |
| TENNESSEE | W | 1 | Yes | Yes | Yes | 71 |
| TEXAS | W | - | No | No | No | 71 |
| UTAH | W | 1 | No | No | No | - |
| VERMONT | OEO | 1 | No | Yes | Yes | 71 |
| VIRGINIA | W | 1 | No | Yes | No | 68 |
| WASHINGTON | W | 2 | No | Yes | No | 70 |
| WASHINGTON, D.C. | W | 1 | No | No | Yes | 63 |
| WEST VIRGINIA | W | 2 | No | Yes | No | 65 |
| WISCONSIN | H | 1 | No | No | Yes | - |
| WYOMING | W | 1 | No | Yes | Yes | 70 |

Code for Table 2

W - Department of Welfare

H - Department of Health

P - Department of Pensions and Securities

C - Department of Child Services

S - Department of Social Services

E - Department of Education

I - Department of Institutions

OEO - Office of Economic Opportunity

nursing home, convalescent home, rooming home, or maternity home. It appears that, in the majority of cases, these restrictions only apply to those facilities actually used by the children when the children are in care. Maryland has a unique specification; within that state the premises must be served by a road which is kept passable at all times when the facility is in operation.

Indoor Space. Regulations governing indoor space requirements show little variation from state to state. Most states rely on their departments of health and sanitation and/or departments of labor and industries to develop and enforce these regulations. In general, the range of the actual indoor area specified is from 20 to 35 square feet per child. (Only Virginia and Maine require 20 square feet, while 23 states require 35 square feet per child.) Some specifics regarding indoor space include New Mexico's regulations which forbid the use of trailers as day care facilities and require centers enrolling more than 20 children to have separate laundry facilities. New York requires that centers of more than 30 children have separate and adequately equipped staffrooms. Indiana requires a separate play space for school age children. Kansas requires that all sleeping rooms be outside rooms, i.e., situated to provide ready exit in event of fire.

The majority of state regulations specify that a basement or second story room may be used only with the specific approval of the state, with the basement in most cases to be approved only for play. However, Maryland, Georgia, Montana, South Carolina, Rhode Island, and Utah add additional restrictions. Rhode Island and Utah restrict preschool children to care on the first floor level; South Carolina, Maryland, Georgia prohibit the use of basements more than three feet below ground level; and Montana

restricts basement usage to three hours per day.

Outdoor Space. Variations among state regulations occur in the amount and space requirements for the outdoor play area. Actual minimum space requirements vary. They range from Florida's requirement of at least 40 square feet per child to Wyoming's requirement of at least 200 square feet per child. Ten states set the minimum outdoor space requirement at 75 square feet per child. Other regulations concerning outdoor space deal with the physical layout and fencing. Thirteen states require that the outdoor play space be fenced, while North Carolina requires a separate outdoor play space be provided and equipped for older children.

Construction Safety. Construction safety specifications contained in day care standards rely heavily upon the codes specified by agencies other than those governing or licensing day care. Nevada, Nebraska, Hawaii, New Mexico, and Washington require a 1-hour fire resistive construction, and Nebraska further specifies that no point be more than 150 feet from an exit. Montana requires fire resistive construction but places this restriction on two story buildings; three story buildings are to have a 2-hour fire resistive construction. Montana also requires that every closet door have a latch which permits opening from the inside. Oklahoma prohibits the use of fiberboard for ceiling and wall coverings. Montana forbids the use of bare concrete as a flooring material, while Indiana stipulates the use of smooth, washable, non-slippery materials for flooring and prohibits the use of small rugs.

Toilet Facilities. The required toilet facilities are spelled out in the regulations of 31 states. The majority of states require one toilet and one wash basin for every ten children. Hawaii requires that toilet seats be U shaped. Massachusetts and New Hampshire require that the

water to the wash basins be automatically controlled to prevent water temperature from going above 120° Fahrenheit. Wyoming requires that the bath and toilet facilities be in the same building as the day care center, and Minnesota and Indiana require that these facilities be on the same floor as the playrooms. Indiana also stipulates that the same toileting facilities are not to be used by school age children of the opposite sex. New Mexico requires that all locks on toilet doors must be capable of being opened from the outside and also that gas hot water heaters not be located in the bathrooms.

Personnel

Staffing requirements, overall, show little variation from state to state. All states require that a center have a director or some individual responsible for the functions of the center. All staff members are expected to be in good physical and mental health and to have the personality and disposition needed to cope with the caring for children. Specific requirements of age, education, and experience are usually established separately for each level of employment.

Director. Most regulations require that the director of a day care center have more education and experience in the area of child development than other members of the staff. Twenty-six states require that the day care director have a minimum of a high school diploma, and 22 of these states require additional experience and/or education. Where minimum age requirements are set for personnel, the director position usually has a higher minimum than that set for teachers or auxiliary personnel. The most frequently specified minimum is 21 years of age.

Oregon, Maryland, and Maine base their requirements for a director on the number of children served by the facility. In Maine, if a director

is employed by a center with an enrollment greater than 20 children, he must have or be in the process of obtaining two years of college credit. (This requirement may be waived if another staff member at the center meets that requirement.) In Maryland, facilities with more than 21 children require a director with a minimum of two years of college-level training. Oregon requires one year of training for directors of centers with fewer than 30 children; when more than 30 children are enrolled, the director must have three years of college training or three years of supervisory experience with children.

In most cases the nature of the educational experience is only vaguely specified. Usually this experience is expected to include early childhood education, child development, social work, or nursing.

Restrictions are occasionally placed upon the activities of the director. For example, in New York, the director of a facility may not also serve as a group head if there are more than 40 children under care. Similarly, in Michigan, if more than 35 children are enrolled, the director is not to teach. Table 3 provides additional information on the requirements for directors.

Teachers. Twenty-three states require that their day care teachers have at least a high school diploma or its equivalent in experience. Iowa, Georgia, Wyoming, Nevada, and North Carolina specify 16 as the minimum age for teachers. Other states require their teachers to be older. Distinctions are frequently made between the requirements for head teachers and those for other teachers. Occasionally, these requirements vary with the number of children enrolled. Additional information appears in Table 3.[3]

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[3]For a summary of the regulations governing human service personnel working with young children in the Commonwealth of Pennsylvania see "Child Service Personnel: Regulations and Recommendations." Day Care Study Project, The Pennsylvania State University, 1972.

Table 3 BEST COPY AVAILABLE

Staff and Group Size Requirements for Day Care Centers[1]

| State | Staff Education | | Under 3 Years | | 3-4 Years | | 4-5 Years | | Over 5 Years | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Director | Teacher | Ratio | Group | Ratio | Group | Ratio | Group | Ratio | Group |
| Alabama | D | B | 1:10 | | 1:10 | 15 | 1:20 | 20 | 1:25 | 25 |
| Alaska | B | B | 1:10 | | 1:10 | | 1:10 | | 1:10 | |
| Arizona | A | A | 1:10 | | 1:10 | | 1:20 | | 1:25 | |
| Arkansas | K | A | 1:10 | | 1:10 | | 1:10 | | 1:10 | |
| California | F | K | 1:12 | | 1:12 | | 1:12 | | 1:12 | |
| Colorado | G | B | 1:8 | | 1:10 | | 1:12 | | 1:15 | |
| Connecticut | C | B | NA | | NA | 15 | NA | 20 | NA | 25 |
| Delaware | G&L | L&L | 1:15 | | 1:15 | | 1:20 | | 1:25 | |
| Florida | K | K | 1:10 | | 1:10 | | 1:10 | | 1:15 | |
| Georgia | K | A | 1:10 | | 1:15 | | 1:18 | | 1:25 | |
| Hawaii | | | | | | | | | | |
| Idaho | A | A | 1:10 | | 1:10 | | 1:10 | | None | |
| Illinois | | | | | | | | | | |
| Indiana | FA | B | 1:10 | | 1:12 | | 1:15 | | 1:20 | |
| Iowa | K | A | 1:6 | | 1:12 | | 1:18 | | 1:25 | |
| Kansas | BA | A | 1:12 | | 1:12 | | 1:12 | | 1:16 | |
| Kentucky | K | K | 1:8 | | 1:10 | | 1:12 | | 1:15 | |
| Louisiana | A | A | 1:14 | | 1:14 | | 1:14 | | 1:14 | |
| Maine | B&N | B&G | 1:8 | | 1:10 | | 1:15 | | 1:18 | |
| Maryland | A | A | None | 12 | None | 20 | None | 26 | None | |
| Massachusetts | L | M | 1:10 | | 1:10 | 20 | 1:10 | 20 | 1:15 | |
| Michigan | H | A | 1:10 | | 1:12 | | 1:20 | | 1:20 | |
| Minnesota | A | A | 1:10 | | 1:10 | | 1:10 | | 1:10 | |
| Mississippi | J | B | 1:8 | 8 | 1:10 | 10-15 | 1:15 | 15-20 | 1:20 | 25 |
| Missouri | J | A | 1:10 | | 1:10 | | 1:10 | | 1:15 | |
| Montana | A | A | NA | | NA | | NA | | NA | |
| Nebraska | A | A | 1:7 | | 1:7 | | 1:7 | | 1:12 | |
| Nevada | K | A | 1:10 | | 1:10 | | 1:15 | | | |
| New Hampshire | A | A | W | | W | | W | | W | |
| New Jersey | J | B | 1:6 | | 1:8 | | 1:10 | | 1:15 | |
| New Mexico | | | | | | | | | | |
| New York | GA | IA | 1:5 | | 1:7 | 15 | 1:7 | 20 | 1:10 | 25 |
| North Carolina | A* | A* | 1:12 | 12 | 1:15 | 15 | 1:20 | 20 | 1:25 | 25 |
| North Dakota | B | A | 1:5 | 20 | 1:10 | 20 | 1:10 | 20 | 1:12 | 20 |
| Ohio | | | | | | | | | | |
| Oklahoma | C | C | 1:8 | | 1:12 | | 1:15 | | 1:20 | |
| Oregon | J | B | 1:10 | | 1:10 | | 1:10 | | 1:15 | |
| Pennsylvania | H | J | NA | | 1:15 | 15 | 1:20 | 20 | 1:25 | 25 |
| Rhode Island | F | E | 1:10 | | 1:15 | | 1:25 | | 1:25 | |
| South Carolina | A | A | 1:8 | | 1:10 | | 1:14 | | 1:15 | |
| South Dakota | E | C | 1:5 | | 1:8 | | 1:8 | | 1:10 | |
| Tennessee | J | B | 1:10 | 12 | 1:15 | 20 | 1:25 | 25 | 1:30 | 30 |
| Texas | B | A | 1:8 | | 1:12 | | 1:15 | | 1:18 | |
| Utah | A | A | 1:10 | 10 | 1:15 | 15 | 1:20 | 20 | 1:25 | 25 |
| Vermont | K | K | 1:8 | 6-10 | 1:8 | 9-16 | 1:8 | 12-20 | 1:8 | 20 |
| Virginia | M | B | 1:3 | 5-10 | 1:10 | 10-20 | NA | 15-25 | NA | 25 |
| Washington | | | | | | | | | | |
| Washington, D.C. | A | A | 1:10 | | 1:10 | | 1:10 | | 1:10 | |
| West Virginia | B | A | 1:8 | | 1:10 | | 1:15 | | 1:20 | |
| Wisconsin | K | K | 1:8 | 6-12 | 1:10 | 20 | 1:12 | 24 | 1:16 | 32 |
| Wyoming | A** | A** | 1:10 | | 1:10 | | 1:15 | | 1:20 | |

1. Adapted from Franchise Journal, August, 1971.

Key to Education Code for Table 3

A. None.

B. High school or equivalent.

C. High school or experience in a child day care center.

D. High school and one year or less experience in a day care center.

E. High school and more than one year's experience in a child day care center.

F. College graduate.

G. College graduate with a major in childhood development or related field or at least some courses in that area.

H. Two years of college.

I. Two years of college with courses in childhood development.

J. College education or experience in child care (see state regulations).

K. Some training in child care (see state regulations).

L. For centers handling more than 40 children: Three years experience plus four basic courses in early childhood education approved by the state. For centers handling less than 40 children: high school diploma; college degree with a major in early childhood education or at least one course in early childhood education approved by the state.

M. If less than 20 children, high school graduate and six months experience.

N. If more than 20 children, two years of college and childhood development courses.

*North Carolina has no mandatory licensing for child day care centers. These minimum requirements have been established, and licenses are granted on a voluntary basis to those establishments asking for a license.

**A teacher must meet current Wyoming certification standards to teach kindergarten. A preschool operator must have completed two years of college with some course work in early childhood education, or have six years of practical experience.

Auxiliary Staff. A variety of additional staff personnel at several levels are specified in the different state regulations.

Consultants. Fifteen states have set standards requiring that their day care facilities have a consultant staff. The most frequent persons specified for such staff are social worker, nurse, nutritionist, and psychologist. Some states specify a wide variety of consultant resources. Rhode Island, for example, requires consultants in the fields of education, psychology, and medicine. New Jersey's regulations recommend (rather than require) that the consultant services of a nurse, physician, social worker, psychologist and nutritionist all be available to the day care center. Wyoming's regulations are more general in tone; they stipulate that day care facilities are to have available such consultants as are necessary to assure the physical, mental, social, and emotional development of the children.

Service Staff. General requirements are sometimes specified for staff members performing housekeeping duties such as cleaning and cooking. These usually include the requirement that such personnel be in good mental and physical health and that they be able to perform the duties assigned. Tennessee and Oklahoma require that such personnel also be able to read and write.

Volunteers. South Dakota's regulations best sum up the requirements for volunteer staff in day care programs throughout the country. This set of regulations states that all volunteers are to have the same personal qualifications as full-time paid staff and that the background and experience of the volunteers will determine how they are to be used within the day care facility.

General Restrictions on Personnel Services. The regulations of five states put restrictions on the working hours of paid staff. South Dakota requires that full-time staff members be free from duty at least two days a week, while Rhode Island restricts its work week to 40 hours and recommends that teachers work only seven to eight hours per day. Connecticut recommends a work day of not more than seven hours, with actual direct care of children limited to six hours. North Carolina and Hawaii's regulations restrict the work day to not more than eight hours, with time to be provided for rest periods and lunch hours. North Carolina's regulations also stipulate that any staff member who has been on duty in a day care center shall not be employed for night-time care. Alabama, although not directly limiting staff to an 8-hour day, bases its staff/child ratios on such a time span.

Staff/Child Ratios

Forty-eight of the states surveyed specify staff/child ratios for day care facilities. Table 3 also presents this information. Minnesota's is the only set of state regulations which issues a blanket statement of staff/child ratio not to exceed one staff member to every ten children; other states relate staff/child ratios to variables such as age of the children. Louisiana uses only two groupings to determine staff/child ratio by requiring one staff member for every six children under eighteen months and one staff member for every fourteen children over eighteen months. Nebraska and Tennessee list recommended and required staff/child ratios, with Nebraska adding the stipulation that in groups of mixed ages (preschool and school age children) the ratio standards for the preschool group shall prevail.

The number of children allowed in a group is controlled by the regulations of 13 states; this information is included in Table 3. The states of Montana, Texas, and Tennessee require that each grouping have a separate play area. North Carolina's regulations say that the size of the grouping may vary depending on the type of activity the group is engaged in, although children are to be grouped according to age and no group is to have more than 25 children. Massachusetts stipulates that no group of children under five years of age shall have more than 20 children. Massachusetts also requires different staff/child ratios for children in care for less than three hours and for those in care for more than three hours per day. The state of New York requires that each group of children have a full-time group head and a group assistant.

Admission Policies

Age Range. The ages of children to be cared for in day care facilities are specified in state regulations. For day care centers, the minimum age limit varies between two and three years, with the majority of states admitting children under three years of age if the center meets certain provisions. The nature of special requirements for infant care are discussed in a later section of this paper. The maximum age allowed also varies among states with the range extending from 5 years of age to 21 years.

Special Restrictions. A few states have specific restrictions concerning admission to day care facilities. Utah, for instance, states that no day care center may accept "drop ins," that is, children left at the center for varying time intervals for varying days. Regulations covering the admission of exceptional children to day care facilities are usually presented as a separate matter. Some states require that the number of

exceptional children permitted be stated on the license of the center and that such centers have specially trained and/or additional personnel. Other states, such as Kansas, require only that the admission of exceptional children be reported at monthly intervals. In a few states no mention is made of the care of exceptional children by day care facilities.

Program and Services

The specificity of regulations governing the nature of day care programs varies widely. Some states barely make mention of the activities or structure to be incorporated; others elaborate more extensively, though the terminology used is vague. For most states a rough format of activities is specified. Generally, the regulations specify the need for both quiet and active periods, for outdoor play, rest periods, and meal and snack periods.

Education. The emphasis placed on planned educational activities varies widely. Most states do specify that some learning experiences be integrated into the daily program. Wyoming, for example, stipulates that all children in day care facilities shall receive education in compliance with the Wyoming statutes. Limitations are sometimes imposed. Georgia, for example, specifies that no formal instruction in academic subjects be presented the child beyond his developmental level. Some states (New York, for example) require separate programs for children of different age levels.

Discipline. Three states, Georgia, Texas, and Utah, specify matters relating to the discipline of the child. All three say essentially the same thing: that the discipline is not to be corporal in nature. Texas and Georgia add the further restrictions that discipline is not to be associated with food, rest, isolation due to illness, or toileting. Texas

goes on to require that discipline not be associated with loss of love, or the Deity, and children are not to be subjected to sarcastic or derogatory remarks referring to themselves or their families.

Health Services. All the states surveyed, with the exception of Idaho, require a pre-admission medical examination of the child. The length of time permitted to obtain the examination varies. Seven states grant exemptions from this medical examination for reasons of religious belief.

Nutrition and Food Services. Regulations covering nutrition and food services have considerable uniformity, and there is a general reliance upon standards developed by agencies other than those governing day care. Generally, each facility is to serve a standard breakfast, lunch, and dinner, with snacks in between. Most regulations base the requirements for these services upon the number of hours that the child is in care and his time of arrival or departure. For example, West Virginia's regulations specify that a hot meal be served to all children in care for more than four hours per day. Florida's regulations state that breakfast should be served to all children arriving before 8:00 A.M. Washington State's regulations require that dinner be served to all children staying later than 6:00 P.M., if dinner is not provided by the parents.

Occasionally, regulations are more specific. For example, some states specify the timing of snacks (Florida), the quantity of milk the children should be given daily (Georgia), the type of food to be served (Rhode Island), or the way the food should be prepared (Florida).

Family Services and Parent Education. Only three states make specific reference to parental contact or education. Maine requires that parent education be a planned part of the day care program, and Hawaii specifies

that time be provided in the program for consultation with parents. Wyoming regulations recommend that parent-child contact is to be fostered unless contrary to the child's best interest.

Transportation. Time spent in transportation to and from a day care facility and the manner by which the child is transported may relate to the child's welfare and safety. A minority of states, however, have regulations governing transportation. Six states have chosen to regulate the amount of time traveled per day per child. Massachusetts, Oregon, Georgia, and Utah set the maximum travel limit at 45 minutes in one direction. Colorado sets the limit at 30 minutes unless the child is with a parent.

Several states specify minimum and maximum ages for drivers. Georgia requires that the driver meet detailed physical and mental qualifications. Specific vehicle regulations are seldom stated.

## STATE REGULATIONS FOR FAMILY DAY CARE HOMES

Family day care homes represent a large portion of the day care facilities available in the United States. In state regulations such facilities are frequently recommended for the care of young children and infants. In general, however, the regulations governing such facilities are less specific and less rigorous than those governing day care centers.

### Licensing

Presently 38 states and the District of Columbia make licensing mandatory for family day care facilities (See Table 4). Two states, Mississippi and Arkansas, permit voluntary licensing of family day care homes.

Table 4

States Having Mandatory Licensing

of Family Day Care Homes

| | Maximum Number of Children Allowed | | Maximum Number of Children Allowed |
|---|---|---|---|
| Alabama | 5 | Montana | 6 |
| Alaska | 6 | Nebraska | 7 |
| Arkansas | 12 | New Hampshire | 6 |
| Colorado | -* | New Mexico | - |
| Connecticut | - | New York | - |
| Delaware | - | North Dakota | 5 to 6** |
| Florida | 5 | Oklahoma | 5 |
| Georgia | - | Pennsylvania | 6 |
| Hawaii | 5 | Rhode Island | - |
| Idaho | 5 | South Carolina | 7 |
| Illinois | 8 | South Dakota | - |
| Indiana | - | Tennessee | 7 |
| Iowa | - | Texas | - |
| Kansas | - | Utah | 6 |
| Kentucky | 6 | Vermont | 6 |
| Maine | 6 | Virginia | - |
| Maryland | - | Washington | - |
| Michigan | - | Wyoming | 6 |
| Minnesota | - | District of Columbia | - |
| Missouri | - | | |

*A dash means that the information was not found in state regulations.

**If children are 0 to 6 years old, the maximum is 5. If children are 3 to 8 years old, the maximum is 6.

Capacity Restrictions

Most state regulations distinguish between family day care homes and day care centers by the maximum number of children that may be admitted for care. For day care homes, Illinois allows not more than eight children. South Carolina, Tennessee, and Nebraska permit no more than seven children, and ten states set the limit at six children. Table 4 includes the capacity limits for facilities providing such care.

Personnel

Staffing requirements of family day care homes fall under much less stringent standards than those for day care centers, both in terms of numbers as well as educational and experimental background. Because of the small number of children enrolled, the family day care mother is, with few exceptions, the only staff member required by the regulations. Few states specify age requirements or specific training in child care. A high school level education is generally not required.

## STATE REGULATIONS FOR SPECIAL DAY CARE PROGRAMS

Group Infant Care

Thirty-two states now make specific reference in their regulations to group infant care. Three states, Maryland, Massachusetts and Minnesota, allow admittance of infants to day care facilities only with special permission of the licensing departments of these states. Seven states allow group infant care within day care centers if these centers meet specific and more rigorous standards. Most frequently these standards concern staff/child ratios, separate facilities and programs for infants.

Night Care

Only seven states (Alabama, Hawaii, Illinois, Kansas, New Mexico, North Carolina, and South Carolina) set special standards within their regulations for the night-time care of children. In all seven states such care is to be provided in conjunction with day care. Only Kansas requires separate licensing for such care.

All seven states require that special provisions be met when night-time care is provided.

## RECOMMENDATIONS

As the Commonwealth of Pennsylvania approaches a revision of its own day care regulations, what does this examination of other regulations suggest for possible revision or addition? Several areas are presented for consideration.

### Scope and Governance

The area of governance and the scope of day care regulations vary from state to state. However, the general range of concern, i.e., the children served, the facilities regulated, and the services rendered, have considerable commonality. To clarify the types of facilities and services to be incorporated within the regulations to be formulated, the following areas are highlighted.

Differentiation by Age. Children served in day care facilities may be categorized for practical and logical purposes into three groupings: children under three years of age (infants), children three to six years of age (preschool), and children six to sixteen years of age (school age). Programs designed to meet the needs of these three groups will necessarily be different, and the regulatory mechanisms for enhancing the availability of services and the maintenance of quality control will vary. To attain clarity of statement and to reduce potential misinterpretations of standards it would seem desirable that the regulations governing the care of children in the three age ranges be presented separately.

RECOMMENDATION 1: SEPARATE REGULATIONS SHOULD BE ISSUED GOVERNING THE CARE OF INFANTS, PRESCHOOL CHILDREN, AND SCHOOL AGE YOUNGSTERS.

A major need exists for guidelines for the care of children under the age of three. Since federal interagency guidelines have not yet been set

for this age group, Pennsylvania has a unique opportunity to formulate an excellent set of specifications for the care of these children. Research has documented the child's need during this period of development for care by consistent and familiar adults. Many parents must now make temporary and fluctuating arrangements for the care of their infants, without the security of knowing that such care is being regulated by the state. It may also be the case that, despite violation of current regulations, many day care facilities feel obliged to accept, and do accept, children under the age of three for care. Possible harm and injustice to these young children may result from failure to regulate the conditions underwhich they are in care. The different, more demanding needs of an infant call for specific licensing requirements for this age group.

RECOMMENDATION 1 A: A DETAILED SET OF REGULATIONS SHOULD BE ISSUED GOVERNING THE CARE OF INFANTS IN GROUPS.

It is also suggested that separate guidelines be developed for programs offering day care for the school age child. Such regulations would provide recognition of the specific needs of this age group as different from three to six year olds who now seem to be the focus of Pennsylvania day care regulations. Programs for these children should provide supplementary educational and recreational activities that are coordinated with other services, including those provided by public education. Within such regulations provision should be made for the establishment of programs appropriate for the age groups served, i.e., for pre-teens and teenagers.

RECOMMENDATION 1 B: A DETAILED SET OF REGULATIONS SHOULD BE ISSUED GOVERNING THE CARE OF SCHOOL AGE CHILDREN DURING, BEFORE, AND AFTER SCHOOL HOURS. PROVISION SHOULD BE INCLUDED FOR AGE APPROPRIATE ACTIVITIES DESIGNED TO SUPPLEMENT THE ACTIVITIES PROVIDED BY OTHER AGENCIES INCLUDING THOSE

PROVIDED THROUCH PUBLIC EDUCATION.

Differentiation by Facility. Day care may be provided in a variety of facilities including homes and centers. Until such time as empirical study suggests other alternatives, it seems reasonable to adopt the federal standard breakdown of family day care home, group day care home, and day care center. That is, facilities may be divided into those capable of adequately serving no more than six children, those capable of adequately serving six to twelve children, and those capable of serving more than twelve children.

RECOMMENDATION 2: SEPARATE REGULATIONS SHOULD BE ISSUED GOVERNING THE CARE OF CHILDREN IN FAMILY DAY CARE HOMES, GROUP DAY CARE HOMES, AND DAY CARE CENTERS.

Together, recommendations 1 and 2 form a three by three matrix of day care services for which regulations may be issued.

| | Family Day Care Home | Group Day Care Home | Day Care Center |
|---|---|---|---|
| Infant (0-3) | | | |
| Preschool (3-6) | | | |
| School Age (6-16) | | | |

Differentiation by Services. Within each of the nine recommended sets of regulations, provisions should be made for the rendering and regulating of specialized services. Such services would include those provided for mentally retarded or handicapped children, as well as services for "night" care or "weekend" care.

RECOMMENDATION 3: SPECIAL PROVISIONS SHOULD BE INCLUDED IN EACH SET OF REGULATIONS FOR SERVICES TO EXCEPTIONAL CHILDREN AND FOR EXTENDED NIGHT

AND WEEKEND CARE.

Differentiation by Auspices or Supporting Agency. Existing regulations in Pennsylvania and in other states apply different standards for day care services depending upon the sponsoring agency or depending upon the differing agencies under which the facility may fall. Although this pattern of governance may reflect an attempt to encourage a greater variability of child care, it is difficult to see why regulations should vary in stringency according to auspices. If a basic standard of quality is desired, it would seem that this standard would reflect a universal value.

RECOMMENDATION 4: EQUIVALENT STANDARDS SHOULD BE ESTABLISHED AND MAINTAINED FOR ALL DAY CARE SERVICES WITHIN THE COMMONWEALTH.

Licensing

Licensing is possibly the one effective means of insuring that minimum standards for day care will be maintained. At the same time licensing should not be construed as a force to prevent or constrict the extension of services available to families. To both insure minimum standards and to encourage greater availability of services, licensing regulations should require only a minimal fee (possibly $1.00 per child for which the facility is licensed per year), should allow provision for the gradual approach to required standards (i.e., some type of temporary certificate may be issued until full requirements are met), and should have a renewal period of no more than three years to insure continued maintenance of standards.

RECOMMENDATION 5: ALL DAY CARE FACILITIES IN THE COMMONWEALTH SHOULD BE REQUIRED TO OBTAIN A LICENSE. SUCH LICENSES SHOULD BE RENEWABLE EVERY THREE YEARS.

To minimize the occurrence of "underground" day care and encourage the licensing of facilities, both positive and negative contingencies

should be provided. Penalties for failure to license should be prescribed and enforced. All advertisements of the availability of child care should be required to include the current license number of the facility. The license of the facility should be prominently displayed in the facility at all times, and the public should be made knowledgeable of the licensing requirements. A public that is aware of the importance of licensing to the protection of their children will undoubtedly help to police day care facilities.

RECOMMENDATION 6: APPROPRIATE ENTICEMENTS AND PENALTIES SHOULD BE INCLUDED IN LICENSING PROVISIONS.

The Physical Environment

Present licensing regulations devote considerable detail to the safety of physical facilities. As such, little revision is necessary. However, existing provisions do not take into account the differing needs of children of differing ages. A universal specification of space requirements for all children seems unrealistic. Two year olds and eight year olds clearly require differing amounts of space for rest, social interaction, and physical activity.

RECOMMENDATION 7: REQUIREMENTS FOR BOTH INDOOR AND OUTDOOR SPACE SHOULD BE SET WITH THE AGE OF THE CHILDREN IN MIND.

Personnel

Both the number and quality of staff required will differ with the age and the special requirements of the children to be served within a program. It is not at all clear that the staff qualifications should differ depending on the type of facility. To differentiate staff qualifications on the type of facility is to prescribe different qualities of care.

RECOMMENDATION 8: GENERAL EDUCATION AND EXPERIENCE REQUIREMENTS SHOULD BE ESTABLISHED WHICH APPLY TO ALL DAY CARE FACILITIES FOR A PARTICULAR AGE GROUP OF CHILDREN.

RECOMMENDATION 9: STAFF TO CHILD RATIOS SHOULD BE ESTABLISHED SEPARATELY FOR EACH AGE GROUP WITH SPECIAL PROVISIONS INCLUDED FOR MENTALLY RETARDED OR HANDICAPPED CHILDREN.

While it is not recommended that staff requirements be established by academic credits or degrees earned, it is felt that some minimal training levels be prescribed and performance capabilities be demonstrated on a regular basis. A requirement of inservice training and professional development would both upgrade the existing standard of care and provide a means for maintaining a minimum standard of excellence. Training programs, workshops, and courses are mandatory in some state regulations. Early childhood is a rapidly developing and enlarging field of study and knowledge. Involvement in professional workshops, and in interagency and inter-regional meetings would help to keep workers abreast of the field.

RECOMMENDATION 10: A CONTINUOUS PROCESS OF INSERVICE TRAINING FOR ALL STAFF PERSONNEL SHOULD BE REQUIRED.

RECOMMENDATION 11: CERTIFICATION OF PERSONNEL ON THE BASIS OF EDUCATION AND EXPERIENCE SHOULD BE RENEWABLE EVERY THREE YEARS WITH ONE OF THE REQUIREMENTS FOR RENEWAL BEING DOCUMENTED EVIDENCE OF CONTINUED EDUCATION, TRAINING, AND PROFESSIONAL DEVELOPMENT.

Another important consideration in staffing requirements is that of consultant or auxiliary personnel. Professional aid is likely to be required by programs regardless of the type of facility or the ages of children. Specialists in medicine, nursing, social welfare, education, child development, psychology, and other areas may offer valuable assistance

with program development and with specific problems. Provision should be made for either the inclusion of such personnel in the day care staff or for such personnel to be available to all facilities on a technical assistance basis through the licensing agency.

RECOMMENDATION 12: PROVISION SHOULD BE MADE FOR THE AVAILABILITY OF A WIDE RANGE OF PROFESSIONAL CONSULTATION SERVICES.

Program

Day care, no matter what the nature of the facility or the age of the child, should be more than custodial care. Children in day care homes or in centers should be provided with a broadly based program including health and nutritional services and educational activities. In general, the regulations of the fifty states place little emphasis on the nature of the programs to be provided for the child. Where specification is made, the emphasis is placed on the schedule rather than on the content or form of the program. State regulations should probably not specify the manner or method by which a program should be carried out. However, it would seem appropriate to specify general objectives for the day care program (differentiated by the age of the child). Such objectives would include those related to the education, health, and safety of the child.

RECOMMENDATION 13: CLEARLY STATED PROGRAM OBJECTIVES SHOULD BE SPECIFIED FOR ALL TYPES OF DAY CARE.

In order for a program to be effective (whether it be concerned with health, safety, education or development) planning, implementation, and evaluation should follow a definite plan. State requirements may specify the general nature of the planning and evaluation activity that is required, rather than the detailed content of the plan.

RECOMMENDATION 14: A CLEARLY STATED PROGRAM PLAN SHOULD BE REQUIRED FOR ALL DAY CARE PROGRAMS.

Parent Contact and Involvement

Although Pennsylvania's regulations stipulate parental involvement with governing boards and admission policies, consultation with parents as a planned part of the day care program is not otherwise specified. Requirements for planned parental contact would help to foster greater parent-staff understanding and responsiveness. Planned contact between staff and parents, which may take the form of parent committees, discussion groups, and social gatherings, provide the staff with a more rounded picture of the child by allowing them to become familiar with the family situation and the family's expectations for day care. They also allow the parents to become familiar with the people who work with their children and with the staff's philosophy of day care. It is a two way street; mutual communication and understanding among all concerned with the child's care fosters better child care.

RECOMMENDATION 15: PARENT INVOLVEMENT SHOULD BE A REGULATED PART OF ALL DAY CARE OPERATIONS.

Terminology and Format of Regulations

Regulations throughout the states vary in their intelligibility. They range from concise to verbose and from clear to ambiguous. Pennsylvania's regulations rank somewhere in the middle. It is recommended that new regulations set forth specifications in clear terminology and in nonrepetitive form. The area of day care covered in each segment should be unmistakably identified.

Terminology easily understood by the layman should be preferred to or should accompany legal and professional phraseology. Although legal and professional terminology is often necessary because of its specificity, it is the layman who might be interested in opening a day care facility and who must comply with regulations. Hence, he must be able to understand them. A related suggestion, prompted by the practice of several states, is the preparation of informative pamphlets to be made available to anyone interested in opening a day care facility. These pamphlets from other states cover such areas as how to go about licensing a facility and problems to be considered before applying for a license.

RECOMMENDATION 16: EASILY UNDERSTOOD LANGUAGE AND A CLEARLY ORGANIZED FORMAT SHOULD BE USED IN THE REGULATIONS.

Personnel Who Formulate Regulations

The majority of states have developed their regulations with the assistance of professionals in early childhood education and related areas, day care personnel, representatives of various state agencies, concerned laymen, and parents of day care children. As Pennsylvania embarks upon its revision of day care regulations, consideration should be given to forming committees representing these groups. Such a multidimensional group would strengthen Pennsylvania's likelihood for achieving a new set of regulations attuned to the needs for day care, incorporating the latest research findings, and embodying the recognition of special needs which only those having actual experience in a day care setting can provide.

RECOMMENDATION 17: REVISION OF REGULATIONS SHOULD BE UNDERTAKEN BY A GROUP REPRESENTING THE FULL RANGE OF PERSONS CONCERNED WITH QUALITY DAY CARE.